

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re: Tether and Bitfinex Crypto Asset Litigation

Case No. 19 Civ. 9236 (KPF)

**STIPULATION AND [PROPOSED] ORDER FOR PERMISSION TO  
SERVE INTERROGATORIES ON POLONIEX, LLC**

**WHEREAS**, on May 26, 2023, Plaintiffs Matthew Script, Jason Leibowitz, Benjamin Leibowitz, and Pinchas Goldshtein (“Plaintiffs”) served a Notice of Rule 30(b)(6) Deposition on Defendant Poloniex, LLC (“Poloniex”), requesting a designee of Poloniex to testify on June 15, 2023;

**WHEREAS**, on October 4, 2023, Plaintiffs served a revised Notice of Rule 30(b)(6) Deposition on Poloniex, setting the deposition for October 10, 2023;

**WHEREAS**, on October 9, 2023, Plaintiffs cancelled the Poloniex Rule 30(b)(6) deposition without providing prior notice to the B/T Defendants;

**WHEREAS**, Defendants iFinex, Inc., DigFinex Inc., BFXNA Inc., BFXWW Inc., Tether International Limited, Tether Operations Limited, Tether Holdings Limited, Tether Limited, Ludovicus Jan van der Velde, and Giancarlo Devasini (the “B/T Defendants”) had intended to participate in Poloniex’s Rule 30(b)(6) deposition, including posing questions to Poloniex’s designee;

**WHEREAS**, the B/T Defendants believe that responses by Poloniex to three (3) interrogatories, attached hereto as Exhibit A, would avoid the need for the B/T Defendants to conduct a Rule 30(b)(6) deposition of Poloniex;

**WHEREAS**, Poloniex has agreed to respond to those interrogatories on or before October 23, 2023, the deadline for the close of fact discovery;

**WHEREAS**, the B/T Defendants and Poloniex agree that obtaining this discovery by means of interrogatories would be more efficient and less burdensome than preparing for and conducting a Rule 30(b)(6) deposition;

**WHEREAS**, the Court’s June 15, 2023 Scheduling Order states that, aside from interrogatories under Local Rules 33.3(a) and 33.3(c), no other interrogatories are permitted except upon prior express permission of the Court (Dkt. No. 387 ¶ 6(c)); and

**WHEREAS**, the B/T Defendants and Poloniex request the Court’s permission to allow the B/T Defendants to serve the interrogatories for the reasons discussed above;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and among the B/T Defendants and Poloniex, and **SO ORDERED** by the Court, as follows:

1. The B/T Defendants may serve the three (3) interrogatories attached hereto as Exhibit A on Poloniex within one business day of the date of entry of this Order.
2. Poloniex shall serve responses to those interrogatories on or before October 23, 2023.

Dated: New York, New York  
October 13, 2023

/s/ John Paul Flynn

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SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
HON. KATHERINE POLK FAILLA, U.S.D.J.